

No. _____

**SUPREME COURT
OF THE STATE OF WASHINGTON**

**WASHINGTON STATE DEMOCRATIC CENTRAL
COMMITTEE, Petitioners,**

v.

**WASHINGTON STATE REPUBLICAN PARTY, et al.,
Respondents**

MOTION FOR ACCELERATED REVIEW

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Kevin J. Hamilton, WSBA #15648
William C. Rava, WSBA # 29948
Beth A. Colgan, WSBA # 30520
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I. IDENTITY OF PETITIONERS

Petitioner Washington State Democratic Central Committee ("WSDCC") was an Intervenor-Defendant in the trial court and seeks direct review of the Order Granting Motion for a Temporary Restraining Order ("Pierce County Order") entered on December 17, 2004, by the Superior Court of the State of Washington for Pierce County, the Honorable Stephanie Arend, presiding.

II. NATURE OF CASE AND DECISION BELOW

This case arises out of the Pierce County Order in which the Pierce County Superior Court interpreted this Court's order in the matter *McDonald v. Reed*, No. 76321-6, dated December 14, 2004 ("Supreme Court Order") and RCW 29A.60.210 to forbid canvassing boards from considering ballots that were not previously fully canvassed but were mistakenly set aside. Petitioner seeks an order overturning the Pierce County Order so that King County's canvassing board may continue to consider those ballots pursuant to the authority granted to the canvassing board by RCW 29A.60.210. The Court's immediate intervention is required due to the short time remaining in the recount process.

On December 17, 2004 Respondents filed a Motion for a Temporary Restraining Order ("Motion") in the Superior Court of the State of Washington, Pierce County. Judge Arend of the Superior Court granted Respondents' Motion, thereby forbidding King County from proceeding with the consideration of votes cast in the November 2, 2004

election for Washington Governor under the authority granted to them pursuant to RCW 29A.60.210. The hand recount of votes for the gubernatorial election is ongoing and drawing to a close. The Pierce County Order suspends the completion of the recount. Given the urgency of the matter, Petitioner respectfully requests that this Court accept immediate review and set a briefing and hearing schedule so that the parties may be heard.

III. ISSUES PRESENTED FOR REVIEW

Whether, pursuant to RAP 7.3, 8.3, 17.4(b), 18.8(a), and 18.12 this Court should accept accelerated review of Petitioner's appeal of the trial court's order denying a temporary restraining order.

IV. STATEMENT OF THE CASE

Petitioner has attached as Appendix A its Opposition to Temporary Restraining Order, which fully sets forth the history of this case.

V. ARGUMENT

This Court may “set any review proceeding for accelerated disposition” and may “waive or alter the provisions of any of the rules and enlarge or shorten the time within which an act must be done in a particular case in order to serve the ends of justice...” RAP 18.8(a), 18.12. Accelerated review should be granted where a substantial public interest is at stake. *See, e.g., Snohomish County v. Anderson*, 123 Wn.2d 151, 155 (1994) (accelerated review granted over claim that County ordinance was subject to referendum); *State v. W.W.*, 76 Wn. App. 754, 756 (1995) (accelerated review granted; whether juveniles motion for release pending

appeal should have been granted was an issue of substantial public interest); *Mairs v. Department of Licensing*, 70 Wn. App. 541, 542 (1993) (accelerated review granted where drivers license revoked because issues regarding drunk driving involve matters of broad public policy); *Tacoma News, Inc. v. Tacoma-Pierce County Health Dept.*, 55 Wn. App. 515, 519 (1989) (public interest impacted by decision regarding Washington's Public Disclosure Act due to public's interest in broad access to public records; accelerated review granted).

The public's interest in a ruling on this matter is paramount:

It is the policy of the state of Washington to encourage every eligible person to register to vote and to participate fully in all elections, and to protect the integrity of the electoral process by providing equal access to the process while guarding against discrimination and fraud.

RCW 29A.04.205. Further, the United States Supreme Court has held:

No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined.

Wesberry v. Sanders, 376 U.S. 1, 17 (1964).

This matter involves the right of Washington citizens to vote. With the hand recount of votes for the gubernatorial election drawing to a close, Judge Arend of the Superior Court granted Respondents' Motion, thereby forbidding King County from proceeding with the consideration of votes cast in the November 2, 2004 election for Washington Governor under the authority granted to them pursuant to RCW 29A.60.210. Given the urgency of the matter, accelerated review is appropriate.


VI. CONCLUSION

For the reasons set forth above, Petitioner Washington State Democratic Central Committee respectfully request that the Court accept their petition for direct review on an accelerated basis. Petitioners respectfully request that this Court immediately issue a briefing schedule and hear oral argument.

RESPECTFULLY SUBMITTED this 17th day of December, 2004.

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By



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